



U.S. Environmental Protection Agency

Region I New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS
REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

DEC 01 2015

Chris Glidden, Owner
Cardinal & Glidden Oil Company, Inc.
P.O. Box 625
Farmington, New Hampshire 03835

Re: Request for Information, Docket No. 16-308-051

Dear Mr. Glidden:

On November 2, 2015, a representative from the U.S. Environmental Protection Agency ("EPA") conducted an inspection of your bulk oil storage and distribution facility located at the corner of Route 11 and Tappan Road in Farmington, New Hampshire ("the Facility"). During the inspection the EPA inspector observed deficiencies related to the Facility's compliance with the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated under Section 311 of the Clean Water Act, 33 U.S.C. § 1321. While the facility did have a Spill Prevention, Control, and Countermeasure ("SPCC") Plan, dated February 13, 2008, the SPCC Plan and implementation of the Plan was inadequate.

Deficiencies with the SPCC Plan and additional observations made by EPA are provided in Attachment 2., while all photographs taken during the inspection are included in Attachment 3 (and include EPA comments, in parenthesis, for certain issues observed). Included is an additional copy of EPA's "SPCC Field Inspection and Plan Review Checklist" which was provided to the Facility's representative at the conclusion of the inspection.

Under the authority of Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321(m), you are hereby required to submit to EPA within 30 calendar days of your receipt of this letter answers to the questions provided in Attachment 1.

Answers to the questions shall be sent to:

Joseph Canzano, P.E.
Oil Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please be advised that noncompliance with the Oil Pollution Prevention regulations constitutes a violation of the Clean Water Act for which both injunctive relief and penalties can be sought.

EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspection. Although preparation and/or revision and submittal of an SPCC Plan to EPA does not preclude EPA from seeking penalties for violations of the Clean Water Act, your prompt response towards coming into full compliance with the Oil Pollution Prevention Regulations will be taken into account in determining EPA's enforcement response.

Although this letter's emphasis is on compliance with the Oil Pollution Prevention Regulations, your facility may also be subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act ("EPCRA"). If you are required to have Material Safety Data Sheets for your facility and store 10,000 lbs or more of oil, then you may be required under Section 312(a) of EPCRA to prepare and submit an emergency and hazardous chemical inventory form to the Local Emergency Planning Committee ("LEPC"), the State Emergency Response Commission ("SERC") and the local fire department. More information can be found at <http://www2.epa.gov/epcra>. EPA does not waive its right to take additional enforcement action for any violation of EPCRA or of any other federal statute or regulations.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve Cardinal & Glidden Oil Company, Inc. of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed with this letter at Attachment 4.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, at (617) 918-1763, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796. For your information, EPA has on its website (www.epa.gov/oilspill) a general guidance document on SPCC Plan preparation, including a model SPCC Plan.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1 (electronically)
Joseph Canzano, Oil Spill Prevention Coordinator, EPA Region 1 (electronically)
Michael Juranty, P.E., New Hampshire Department of Environmental Services

Attachment 1.

General Questions

**Cardinal & Glidden Oil Company, Inc.
Tappan Road
Farmington, New Hampshire 03835**

1. Provide a statement detailing the actions taken by your Facility to correct the deficiencies specified in the enclosed inspection report, and attachments. Please note, EPA is in receipt of the Facility's most recent correspondence regarding repair to the containment dike wall, overfill probe and alarming system.
2. If, in order to correct the deficiencies, your Facility must revise your existing SPCC Plan, submit a copy of such new or revised SPCC Plan. If completion of the SPCC Plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented. The schedule should include the name, address, license number, and state of licensure of the registered professional engineer certifying the SPCC Plan. If the SPCC Plan calls for the construction of secondary containment at the Facility, the schedule should include construction milestone dates.
3. Provide a list of all the oil storage capacity at the Facility, both underground and aboveground (including tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (e.g., earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
4. Provide the date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
5. Provide the date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.
6. Provide a list of additional facilities owned by the owner of the inspected Facility, including the name, location, and total number of employees at each facility. If the inspected Facility is operated by an entity other than the owner, a list of additional facilities operated by the operator of the inspected Facility, including the name, location, and total number of employees at each facility. For each additional facility listed, please provide the following information:

- a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility;
 - b. Explain whether each additional facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112);
 - c. For those facilities that are subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
 - d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.
7. If the Facility is developing an updated SPCC Plan post-inspection, please also include the following information:
 - a. The cost of preparing the new SPCC Plan;
 - b. The cost of implementing the new SPCC Plan (including the cost of constructing additional secondary containment at the Facility); and
 - c. The ongoing annual costs of implementing the new SPCC Plan, over and above the annual costs of the old SPCC Plan (including training, inspections and record keeping).
8. From November 1, 2013, to the present, provide: (1) a list of all employees responsible for operations and handling of oil at the Facility and for those people, their employee training records for SPCC, (2) drainage discharge records for the presence of a sheen for accumulating waters from the Facility's fuel farm containment dike. Drainage discharge records should include, date water was discharged from the dike area, volume of water discharged (estimated or actual), and name and signature of the person(s) conducting the activity. If employee training and or dike drainage records are not maintained, then provide a brief explanation for the reason why records are not maintained.
9. Provide a copy of any formal internal or external tank and or piping inspection records for the Facility's 15,000 gallon and 25,000 gallon tanks.
10. From November 1, 2013, to the present, provide the annual oil output, expressed as gallons per year, from the Facility.

Attachment 2.

Observations & SPCC Comments

Cardinal & Glidden Oil Company, Inc. Tappan Road Farmington, New Hampshire 03835

- During the inspection EPA briefly reviewed the Facility's February 13, 2008, SPCC Plan prepared by Walter F. Shivik, P.E., (the "February 2008 SPCC Plan" or "SPCC Plan"). EPA did not perform a complete review of the SPCC Plan because it is outdated and not being fully implemented. The SPCC Plan is not consistent with the minimum elements required under the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112.
 - The SPCC Plan was not reviewed by management within five years of its previous review/development (i.e., by February 15, 2013).
 - When updating the SPCC plan, you need to consider whether the Mad River, in addition to the Cocheco River, may be impacted by a spill event.
 - The contact list in the SPCC Plan is not up-to-date. Mr. Christofere is no longer employed by the Facility.
 - According to Facility personnel, the site diagram in the SPCC Plan mislabels the content in Tank #4 as it contains off-road diesel oil, not No. 2. oil.
- The Facility was not able to provide EPA's inspector with the following: personnel training records for employees involved in oil-handling operations, formal and informal tank and piping integrity testing and inspection records, and inspection records for waters discharged from the containment dike.
- EPA observed the following:
 - The SPCC Plan did not identify a down gradient road side drainage swale and stormwater drainage system along Tappan Street leading to the Mad River, as a potential spill path. The SPCC Plan's site diagram also failed to include the catch basin and discharge pipe fronting the entrance to the Facility as a potential spill path.
 - According to Facility personnel, Tank #2 and Tank #3, and Tank #6 and Tank #7 are baffled together and are operated as single tanks. Neither the SPCC Plan's narrative nor its site diagram fully describe or illustrate tank piping and valve configuration during operation and nonoperation modes.

- At the off-loading station EPA observed oil staining on the ground and oil and water contained in the spill bucket. Also, the security gate did not have a lock. According to Facility personnel, the gate most likely is not locked and is a potential means to gain unauthorized access to the Facility's oil storage and distribution systems.
- The EPA inspector observed cracking and breaks in certain interior and exterior locations along the containment dike. Also, certain portable and stationary oil tanks were not illustrated on the Facility's site diagram (e.g., 275 gallon No. 2. oil tanks, 55 gallon lubrication oil drums, 330 gallon off-road diesel oil tank and a 275 gallon building heating oil tank).
- Finally, the Facility should ensure that it is in compliance with State of New Hampshire's Aboveground Storage Tank Rule. EPA recommends that a copy of the State's Tank Rule be included in the SPCC Plan.